In the case of "interference" with contracts, the answer has sometimes been: not at all, although loss was caused to the plaintiff immediately by the defendant's act. *La Société Anonyme de Remorquage à Hélice v. Bennetts* [1911] 1 K. B. 243, 27 L. T. Rep. 77 (defendant sank a barge plaintiff was actually engaged in towing); see also *Homan v. Hall* (1917, Neb.) 165 N. W. 881, (1918) 27 YALE LAW JOURNAL, 704. Yet, where the loss suffered was similarly immediate a mere—though very actual—expectation has been protected. *Metallic Compression Casting Co. v. Fitchburg R. Co.* (1872) 109 Mass. 277 (hose actually serving to put out fire negligently cut by defendant). The principal case is weaker in two ways: the damage to the water system was done with no notice of active danger to the plaintiff; and it was done a week before the fire. Both notice and immediacy may well be of importance in determining the reaction of community sentiment and so of the law. It is to be noted that the chain of causation in such cases is unusually long. It must be shown that the thing desired would have benefited the plaintiff, had it occurred, e. g., put out the fire; that it would in reasonable expectation have occurred; and that it was the defendant's act which prevented its occurrence—the causation here being further weakened in all persuasion cases by the factor of the "persuadee's" own will. It is believed that extension of such protection of expectations, against negligence, will turn on two factors: on a strict requirement of immediacy of causation—which might have served to distinguish the instant case from that in Massachusetts—; and on the policy of limiting the number of actions arising out of one act, recovery being denied to a party damaged only in second instance, when the act gives a cause of action to the party more directly injured—which would serve to distinguish the contract cases denying recovery.

TORTS—ILLEGAL OPERATION OF JITNEY BUSSES—RIGHT OF STREET RAILWAY TO INJUNCTION.—The defendant was operating jitney busses without license or bond, in violation of the statute. The plaintiff, a street railway with which the defendant competed, sued to enjoin further illegal operation. *Held,* that the injunction be granted, as the defendant's acts were an actionable interference with the plaintiff's property in its franchise; and as the defendant's illegal use of the public streets constituted a public nuisance to the special damage of the plaintiff. *Puget Sound Traction, etc. Co. v. Grassmeyer* (1918, Wash.) 173 Pac. 504.

See COMMENTS, p. 485, *supra.*

TORTS—MENTAL SUFFERING—NEGLIGENT LOSS OF ASHES OF DECEASED CHILD.—The plaintiffs had paid the defendant $12 to cremate the body of their child, to supply an urn for the ashes, and to keep them until called for. Three years later, when the ashes were demanded, they could not be found; whereupon the plaintiffs brought suit on two counts, one sounding in contract, the other in tort for negligent loss of the ashes, entailing mental suffering. Upon verdict judgment was entered for $12 on the first count and for $300 on the second. *Held,* that the judgment on the count sounding in tort was erroneous, as no damages were recoverable for mental suffering where there was no accompanying "physical invasion" of the plaintiffs' rights. *Kneass v. Cremation Society* (1918, Wash.) 175 Pac. 172.

It is generally recognized that the next of kin has a right, for the purpose of burial, to the body of the deceased in the same condition in which it was at the time of death. Violation of this right by negligent or wilful mutilation of the body gives rise to a right to recover increased burial expenses as compensatory damages. See *Long v. Chicago, etc. R. Co.* (1905) 15 Okla. 512, 520; 86 Pac.

289, 292. And mental suffering caused by wilful violation of the right may be compensated in damages. *Finley v. Atlantic Transportation Transport Co.* (1917) 220 N. Y. 249, 115 N. E. 715, commented on (1917) 26 YALE LAW JOURNAL, 790; *Larson v. Chase* (1891) 47 Minn. 307, 50 N. W. 238. Many states admit such recovery, although the violation of the right is merely negligent. *Wright v. Beardsley* (1907) 46 Wash. 16, 89 Pac. 172 (negligent burial); *Renihan v. Wright* (1890) 125 Ind. 536, 25 N. E. 822; *Kyles v. Southern R. Co.* (1908) 147 N. C. 394; 61 S. E. 278; *contra, Long v. Chicago, etc. R. Co., supra; Awtrey v. Norfolk, etc. R. Co.* (1917) 121 Va. 284, 93 S. E. 570, commented on (1918) 27 YALE LAW JOURNAL, 416 (omission to notify before burial; distinguishable because of the bailment in the principal case). The principal case presents, apparently for the first time, the question of whether the rule should be extended to cover the case of ashes after cremation. It has been argued that in the case of the body recovery is wholly anomalous, since the plaintiff would have no recovery for his mental anguish if the injury had been inflicted on the body of another which was alive, not dead. But this contention applies with equal force to, and is refuted by the cases involving wantonness, and can hardly be invoked to deny extension of the rule to ashes. It is believed that the same rules should apply throughout to the ashes as to the body. The interest to be protected is the next of kin's satisfaction in fitting disposal of the remains, which is equally strong in the two cases. It has, however, been argued, as in the principal case, that mental suffering produced by negligence will never be compensated unless it accompanies actionable physical damage to the plaintiff. *Awtrey v. Norfolk, etc. R. Co., supra.* This argument in such cases as the present seems to rest on a confusion. In the case of the living, the interest in peace of mind and that in peace of body are intimately connected in fact; normally the one is not violated save in conjunction with the other. But the interest in a dead body has none of the elements of physical enjoyment. A "physical invasion" of that interest is unthinkable. *Cf.* (1918) 28 YALE LAW JOURNAL, 171. Mutilation, desecration, improper burial, and loss, all have from this angle one and the same effect: to lacerate the feelings of the living. It may be that that protection should not be accorded against mere negligent violation; but that question should be settled on its own merits: to require accompanying "physical injury" is to require the factually and logically impossible. The same would seem to hold true of ashes. That the change in physical and chemical form has produced a thing capable of true ownership ought not, it is believed, to alter the nature of the protection accorded the only serious interest involved, any more than does the possibility that a corpse might by lawful appropriation to scientific purposes become property. *Cf. Long v. Chicago, etc. R., supra.* The principal case, though attempting to distinguish *Wright v. Beardsley, supra,* has in effect overruled that case, and, it is believed, on insufficient grounds.

WORKMEN'S COMPENSATION—ILLEGAL EMPLOYMENT OF MINOR—COMPENSATION ACT NOT APPLICABLE.—In violation of a state law defendants employed in their store a girl under fourteen. They in good faith believed her to be over that age, as she so represented and also produced a "permit" from a government official. She was killed because of defendant's negligence. In an action brought to recover damages to her estate the defendants claimed that as both they and the deceased had accepted the Workmen's Compensation Act, recovery could be had only under its provisions. *Held,* that her estate was entitled to recover on the statutory liability for negligently causing death. *Sechlich v. Harris-Emery Co.* (1918, Iowa) 169 N. W. 325. In a similar action in New York the same result was reached. *Wolff v. Fulton Bag & Cotton Mills* (1918, App Div.) 173 N. Y. Supp. 75.